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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/718,238	11/19/2003	Thomas Viebach	03213616	9908
26565	7590	12/12/2006	EXAMINER	
MAYER, BROWN, ROWE & MAW LLP P.O. BOX 2828 CHICAGO, IL 60690-2828				KASZTEJNA, MATTHEW JOHN
ART UNIT		PAPER NUMBER		
		3739		

DATE MAILED: 12/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/718,238	VIEBACH ET AL.
Examiner	Art Unit	
Matthew J. Kasztejna	3739	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 11 September 2006.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1-3 and 7-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-3 and 7-14 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 19 November 2003 is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08). Paper No(s)/Mail Date _____.	5) <input type="checkbox"/> Notice of Informal Patent Application
	6) <input type="checkbox"/> Other: _____.

## DETAILED ACTION

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on September 11, 2006 has been entered.

### ***Notice of Amendment***

In response to the amendment filed on September 11, 2006, amended claims 1 and 7 and canceled claims 4-6 are acknowledged. The current rejections of the claims are *withdrawn*. The previously indicated allowability of the claims 6-8 and 13-14 is also *withdrawn*. The following new grounds of rejection are set forth:

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 7-9 and 11-14 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,095,970 to Hidaka et al.

**In regards to claim 1**, Hidaka et al. disclose an endoscope head 30 equipped with a plurality of function-related units comprising units such as an optical/lens system,

illuminating elements, rinsing nozzles, wherein the endoscope head comprises a number of modular function-related supports that receive and/or form the function-related units, the endoscope head further comprising function-related supports including a plate-shaped support member for receiving electronic components, a retaining/holding element for an optical/lens system having at least one lens, a protection cap for covering the retaining/holding element and the support member, and a mounting adapter for attaching the endoscope head to an endoscope shaft, and wherein the mounting adapter is adapted to provide and/or enable all connections between conduits and/or passages formed in the endoscope shaft and the function-related units of the endoscope head, wherein the mounting adapter further comprises electrical contact points 24 and 25 to which electrical lines in the endoscope shaft can be connected (see Figs. 2, 5-6 and Col. 4, Lines 9-40)

**In regards to claim 2,** Hidaka et al. disclose an endoscope head 1, wherein the function-related supports are adapted to correctly place or make operative the function-related units preferably automatically by assembling the function-related supports (see Col. 2, Lines 1-41).

**In regards to claim 3,** Hidaka et al. disclose an endoscope head, wherein the function-related supports preferably have elastically deformable connecting portions adapted to be brought into predetermined engagement with each other for a snap and/or clamping connection (see Fig. 5).

**In regards to claims 7 and 13-14,** Hidaka et al. disclose an endoscope head, wherein on a first side facing the mounting adapter the function-related support has

electrical contact surfaces adapted to be brought into contact with the electrical contact points of the mounting adapter when the function-related support is assembled with the mounting adapter, wherein electronic components arranged on a second side of the function-related support opposite to the electrical contact surfaces may be supplied with electric current by the electrical contact points via the electrical contact surfaces (see Figs. 2, 10-20).

**In regards to claim 8,** Hidaka et al. disclose an endoscope head, wherein the retaining/holding element for the optical/lens system is attached to the first side of the function-related support on which is arranged the electronic components and which includes at least one chamber receiving the optical/lens system which is open toward a side of the retaining/holding element facing the protection cap and which is aligned with the function-related support above a camera chip provided in the function-related support when the function-related supports are assembled (see Figs. 2, 10-20).

**In regards to claim 9,** Hidaka et al. disclose an endoscope head, wherein the material of the retaining/holding element is softer and/or more elastic than the material of the protection cap (see Fig. 5).

**In regards to claims 11-12,** Hidaka et al. disclose an endoscope head, wherein the mounting adapter is adapted to form a mechanical connection between the endoscope head and an endoscope shaft, and to provide and/or ensure a connection between conduits and/or passages formed in the endoscope shaft and function-related units of the endoscope head (see Cols. 5-6).

***Allowable Subject Matter***

Claim 10 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

Applicant's arguments with respect to claims 1-14 have been considered but are moot in view of the new ground(s) of rejection.

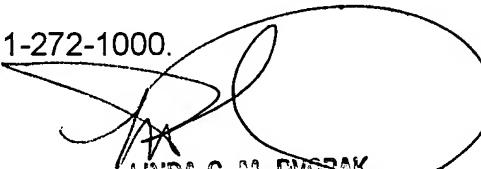
***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew J. Kasztejna whose telephone number is (571) 272-6086. The examiner can normally be reached on Mon-Fri, 8:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Linda C.M. Dvorak can be reached on (571) 272-4764. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MJK  
12/6/6



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SUPERVISORY PATENT EXAMINER  
12/6/6 3700